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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Adam J. Katz et al.
Serial No.: 10/797,371
Filed: MARCH 9, 2004
Docket: 30448.77USD1
Title: ADIPOSE-DERIVED STEM CELLS AND LATTICES

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 15, 2004.

By: 
Name: Tracy Truick

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal sheet, in duplicate, containing Certificate under 37 CFR 1.8.
- ☒ Information Disclosure Statement (37 C.F.R. §1.97 (b)(3))
- ☒ Form 1449 (Information Disclosure Statement) (7 sheets)
- ☒ Return postcard

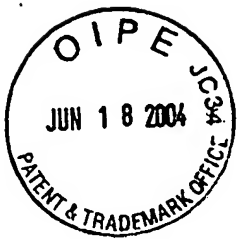
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Adam J. Katz et al. **Examiner:** Not Yet Known
Serial No.: 10/797,371 **Group Art Unit:** 1636
Filed: MARCH 9, 2004 **Docket No.:** 30448.77USD1
Title: ADIPOSE-DERIVED STEM CELLS AND LATTICES

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INFORMATION DISCLOSURE STATEMENT
(37 C.F.R. §1.97(b)(3))

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner. They are as follows:

- U.S. Patent No. 5,486,359, published January 23, 1996, Caplan et al. (**Exhibit 1**)
- U.S. Patent No. 5,728,739, published March 17, 1998, Ailhaud et al. (**Exhibit 2**)
- U.S. Patent No. 5,827,740, published October 27, 1998, Pittenger (**Exhibit 3**)
- U.S. Patent No. 5,827,897, published October 27, 1998, Ailhaud et al. (**Exhibit 4**)
- PCT Patent application WO 98/04682 published February 5, 1998 (**Exhibit 5**)
- Considine, et al., "Paracrine stimulation of preadipocyte-enriched cell cultures by mature adipocytes," *American Journal of Physiology* 1996 270(5) E895-E899 (**Exhibit 6**)
- Dani, et al., "Differentiation of embryonic stem cells into adipocytes in vitro," *J. Cell Sci.* 1997 110, 1279-1285 (**Exhibit 7**)

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- Marko, et al., "Isolation of a Preadipocyte Cell Line from Rat Bone Marrow and Differentiation to Adipocytes," *Endocrinology* 1995 136(10), 4582-4588 (**Exhibit 13**)
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- Sorisky et al., "From preadipocyte to Adipocyte: Differentiation-Directed Signals of Insulin from the Cell Surface to the Nucleus," *Critical Review in Clinical Laboratory Sciences* 1999 36(1), 1-34 (**Exhibit 15**)
- Vassaux, et al., "Proliferation and differentiation of Rat Adipose Precursor Cells in Chemically Defined Medium: Differential Action of Anti-Adipogenic Agents," *Journal of Cellular Physiology* 1994 161(2), 249-256 (**Exhibit 16**)
- Wabitsch, et al., "Biological Effects of Human Growth Hormone in Rat Adipocyte Precursor Cells and Newly Differentiated Adipocytes in primary Culture," *Metabolism* 1996 Vol 45,No. 1 pp34-42 (**Exhibit 17**)

- Young et al., "Mesenchymal Stem Cells Reside Within the Connective Tissues of Many Organs," *Developmental Dynamics* 1995 202(2), 137-144 (**Exhibit 18**)
- U.S. Patent No. 5,226,914 issued July 13, 1993 (**Exhibit 19**)
- U.S. Patent No. 5,736,396 issued April 7, 1998 (**Exhibit 20**)
- U.S. Patent No. 5,811,094 issued September 22, 1998 (**Exhibit 21**)
- U.S. Patent No. 5,817,050 issued October 6, 1998 (**Exhibit 22**)
- U.S. Patent No. 5,908,784 issued June 1, 1999 (**Exhibit 23**)
- International Publication No. WO97/18299 published May 22, 1997 (**Exhibit 24**)
- International Publication No. WO97/39104 published October 23, 1997 (**Exhibit 25**)
- International Publication No. WO97/40137 published October 30, 1997 (**Exhibit 26**)
- International Publication No. WO97/41208 published November 6, 1997 (**Exhibit 27**)
- International Publication No. WO98/20731 published May 22, 1998 (**Exhibit 28**)
- International Publication No. WO98/32333 published July 30, 1998 (**Exhibit 29**)
- International Publication No. WO98/51317 published November 19, 1998 (**Exhibit 30**)
- International Publication No. WO99/01145 published January 14, 1999 (**Exhibit 31**)
- International Publication No. WO99/03973 published January 28, 1999 (**Exhibit 32**)
- International Publication No. WO99/11789 published March 11, 1999 (**Exhibit 33**)
- Bastard, J. P. et al., "A Mini-Liposuction Technique Adapted to the Study of Human Adipocyte Glucose Transport System," *Diabetologia*, 36(Suppl. 1):A135, 1993 (**Exhibit 34**)
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- Lam, Anson and Ronald Moy, "The Potential for Fat Transplantation," *J. Dermatol. Surg. Oncol.*, 18:432-4, 1992 (**Exhibit 43**)
- Lecoœur, L. and J. P. Ouhayoun, "In vitro induction of osteogenic differentiation from non-osteogenic mesenchymal cells," *Biomaterials*, 18:989-93, 1997 (**Exhibit 44**)
- Loncar, D., "Ultrastructural analysis of differentiation of rat endoderm *in vitro*. Adipose vascular-stromal cells induce endoderm differentiation, which in turn induces differentiation of the vascular-stromal cells into chondrocytes," *J. Submicrosc. Cytol. Pathol.*, 24:509-19, 1992 (**Exhibit 45**)
- Novakofski, Jan E., "Primary Cell Culture of Adipose Tissue," *Biology of the Adipocyte: Research Approaches*, Van Nostrand Reinhold Company, NY, 1987 160-97 (**Exhibit 46**)
- Pedersen, S. B. et al., "Identification of oestrogen receptors and oestrogen receptor mRNA in human adipose tissue," *European Journal of Clinical Investigation*, 26:262-9, 1996 (**Exhibit 47**)
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- Ramsay, T. G. et al., "Pre-Adipocyte Proliferation and Differentiation in Response to Hormone Supplementation of Decapitated Fetal Pig Sera," *J. Anim. Sci.*, 64:735-44, 1987 **(Exhibit 49)**
- Rubens, F. D. et al., "Tissue Factor Expression by Cells Used for Sodding of Prosthetic Vascular Grafts," *Journal of Surgical Research*, 72:22-8, 1997 **(Exhibit 50)**
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- Springhorn, Jeremy P. et al., "Human Capillary Endothelial Cells from Abdominal Wall Adipose Tissue: Isolation Using an Anti-Pecam Antibody," *In Vitro Cellular & Developmental Biology-Animal*, 31:473-81, 1995 **(Exhibit 52)**
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- Williams, John T. et al., "Cells Isolated from Adult Human Skeletal Muscle Capable of Differentiating into Multiple Mesodermal Phenotypes," *The American Surgeon*, 65:22-6, 1999 **(Exhibit 54)**
- Williams, Stuart K. et al., "Liposuction-derived human fat used for vascular graft sodding contains endothelial cells and not mesothelial cells as the major cell type," *Journal of Vascular Surgery*, 19:916-23, 1994 **(Exhibit 55)**
- Włodarski, Krzysztof H., "Section III. Basic Science and Pathology. Properties and Origin of Osteoblasts," *Clinical Orthopaedics and Related Research*, 252:276-93, 1990 **(Exhibit 56)**
- U.S. Patent No. 5,591,625, issued January 7, 1997, Gerson et al. **(Exhibit 57)**
- U.S. Patent No. 5,786,207, issued July 28, 1998, Katz et al. **(Exhibit 58)**
- U.S. Patent No. 5,827,735, issued October 27, 1998, Young et al. **(Exhibit 59)**
- Grigoradis A., et al., 1988 *J. Cell Biol.* "Differentiation of Muscle, Fat, Cartilage, and Bone from Progenitor Cells Present in a Bone-derived Clonal Cell Population: Effect of Dexamethasone," 106: 2139-2151 **(Exhibit 60)**

- International Publication No. WO 99/28444 published June 10, 1999. **(Exhibit 61)**
- International Publication No. WO 99/02654 published January 21, 1999. **(Exhibit 62)**
- Bennett, JH, et al., 1991 *J. Cell Sci.* "Adipocytic cells cultured from marrow have osteogenic potential," 99(Pt1):131-139 **(Exhibit 63)**
- Bond et al., 1999, "Human Subcutaneouspreadipocytes Differentiate Into osteoblasts," *FASEB Journal* 13:600A **(Exhibit 64)**
- Smith et al., 2000, "Mesenchymal Stem Cells Derived From Bone Marrow And Human Adipose Tissue Exhibit Multilineage Potential," *Journal of Investigative Medicine*, 95A. **(Exhibit 65)**
- Stashower et al., 1999, "Stromal progenitor cells present within liposuction and reduction abdominoplasty fat for autologous transfer to aged skin," *Dermatologic Surgery*, 25:12:945-949. **(Exhibit 66)**
- Strutt et al., 1996, "Growth and differentiation of human adipose stromal cells in culture," *methods in Molecular Medicine: Human Cell Culture Protools*, 41-51. **(Exhibit 67)**
- Tavassoli et al., 1981, "The Nature of Fibroblasts Derived From Adipose Tissue In-Vitro," *Clinical Research*, 29:5:871A. **(Exhibit 68)**
- Van et al., 1978, "Complete Differentiation of Adipocyte Precursors," *Cell Tissue*, 195:317-329. **(Exhibit 69)**
- International Publication No. WO 00/53795 published September 14, 200. **(Exhibit 70)**
- International Publication No. WO 01/62901 A2 published August 30, 2001. **(Exhibit 71)**
- International Publication No. WO 01/21767 published March 29, 2001. **(Exhibit 72)**
- Zuk, et al., 2001 "Multilineage cells from human adipose tissue: implications for cell-based therapies," *Tissue Engineering*, 7:211-228. **(Exhibit 73)**

This statement should be considered because it is submitted before the mailing date of the first Office Action on the merits. In accordance with 37 C.F.R. §1.98(d)(1)(2), copies of Exhibits 1-73 as set forth in the enclosed Form 1449 are not provided as they have been previously provided

in U.S. Serial No. 09/936,665 filed September 10, 2001, for which the subject application claims priority.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that the references have been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

No fee is deemed necessary in connection with the filing of this Information Disclosure Statement. However, if any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 50-0306.

Respectfully submitted,



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Attorney for Applicants
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FORM 1449 INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION (Use several sheets if necessary)	Docket Number 30448.77USD1	Application Number 10/797,371
	Applicant Adam J. Katz et al.	
	Filing Date March 9, 2004	Group Art Unit 1642

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	5,486,359	January 23, 1996 (Exhibit 1)	Caplan, et al.			
	5,728,739	March 17, 1998 (Exhibit 2)	Ailhaud et al.			
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FOREIGN PATENT DOCUMENTS

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						YES	NO
	WO 98/04682	February 5, 1998 (Exhibit 5)	US				

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	Considine, et al., "Paracrine stimulation of preadipocyte-enriched cell cultures by mature adipocytes," <i>American Journal of Physiology</i> 1996 270(5) E895-E899 (Exhibit 6)
	Dani, et al., "Differentiation of embryonic stem cells into adipocytes in vitro," <i>J. Cell Sci.</i> 1997 110, 1279-1285 (Exhibit 7)
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EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	

[illegible]

*Substitute Disclosure Statement Form (PTO-1449) Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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	5,226,914 (Exhibit 19)	07/13/93	Caplan et al.			11/16/90
	5,736,396 (Exhibit 20)	04/07/98	Bruder et al.			01/24/95
	5,811,094 (Exhibit 21)	09/22/98	Caplan et al.			04/11/95
	5,817,050 (Exhibit 22)	10/06/98	Klein			05/29/97
	5,908,784 (Exhibit 23)	06/01/99	Johnstone et al.			11/15/96

FOREIGN PATENT DOCUMENTS

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						YES	NO
	WO97/18299 (Exhibit 24)	05/22/97	PCT				X
	WO97/39104 (Exhibit 25)	10/23/97	PCT				X
	WO97/40137 (Exhibit 26)	10/30/97	PCT				X
	WO97/41208 (Exhibit 27)	11/06/97	PCT				X
	WO98/20731 (Exhibit 28)	05/22/98	PCT				X
	WO98/32333 (Exhibit 29)	07/30/98	PCT				X
	WO98/51317 (Exhibit 30)	11/19/98	PCT				X
	WO99/01145 (Exhibit 31)	01/14/99	PCT				X
	WO99/03973 (Exhibit 32)	01/28/99	PCT				X
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	WO 99/02654 (Exhibit 62)	January 21, 1999	PCT				
	WO 00/53795 (Exhibit 70)	September 14, 2000	PCT				
	WO 01/62901 A2 (Exhibit 71)	August 30, 2001	PCT				
	WO 01/21767 A2 (Exhibit 72)	March 29, 2001	PCT				

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

		Bennett, JH, et al., 1991 <i>J. Cell Sci.</i> "Adipocytic cells cultured from marrow have osteogenic potential," 99(Pt1):131-139 (Exhibit 63)
		Bond et al., 1999, "Human Subcutaneouspreadipocytes Differentiate Into osteoblasts," <i>FASEB Journal</i> 13:600A (Exhibit 64)
		Smith et al., 2000, "Mesenchymal Stem Cells Derived From Bone Marrow And Human Adipose Tissue Exhibit Multilineage Potential," <i>Journal of Investigative Medicine</i> , 95A. (Exhibit 65)
		Stashower et al., 1999, "Stromal progenitor cells present within liposuction and reduction abdominoplasty fat for autologous transfer to aged skin," <i>Dermatologic Surgery</i> , 25:12:945-949. (Exhibit 66)
		Strutt et al., 1996, "Growth and differentiation of human adipose stromal cells in culture," <i>methods in Molecular Medicine: Human Cell Culture Protocols</i> , 41-51. (Exhibit 67)
		Tavassoli et al., 1981, "The Nature of Fibroblasts Derived From Adipose Tissue In-Vitro," <i>Clinical Research</i> , 29:5:871A. (Exhibit 68)
		Van et al., 1978, "Complete Differentiation of Adipocyte Precursors," <i>Cell Tissue</i> , 195:317-329. (Exhibit 69)
		Zuk, et al., 2001 "Multilineage cells from human adipose tissue: implications for cell-based therapies," <i>Tissue Engineering</i> , 7:211-228. (Exhibit 73)

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	

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